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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/790,844 Confirmation No. 2494
Applicant : Mathias ROLLWAGE et al
Filed : March 3, 2004
TC/A.U. : 2856
Examiner : A. Jackson

Docket No. : R.304240
Customer No. : 02119

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.111

Sir:

In response to the Office action of September 21, 2005, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Drawings begin on page 7 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

Remarks begin on page 8 of this paper.

An **Appendix** including amended drawings figures is attached following page 11 of this paper.

REMARKS

Claims 1-20 are presently in the application.

Figs. 1 and 2 of the drawings have been corrected to add the label "evaluation unit" to box 23. The claims have also been amended to change reference numeral "18" to read "6." The specification, including the claims, no longer refers to reference numeral 18. In view of the preceding, withdrawal of the objection to the drawings is requested.

Claims 1-9 have been rejected under 35 U.S.C. 112, second paragraph, as indefinite because the language "the container" lacks a proper antecedent. In the present amendment, the term "fuel tank" has been substituted for the term "container" in each of claims 1-9. A new set of claims, namely, claims 10-18, has been added generally corresponding to claims 1-9, but broader in the sense that they are directed to "a device for measuring the level of a fluid in a container," rather than to "a device for measuring the level of a fluid in a fuel tank of a motor vehicle." In view of the preceding, withdrawal of the rejection under 35 U.S.C. 112, second paragraph, is requested.

The examiner's indication of allowable subject matter in claims 3, 4 and 8 is greatly appreciated. Claims 3 and 8 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3, 4 and 8 are now in allowable condition.

Claims 1 and 2 have been rejected under 35 U.S.C. 102(b) as anticipated by Boscolo (US 4,675,660).

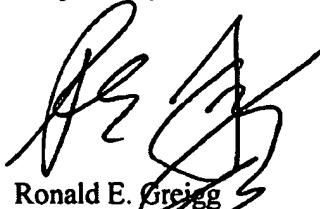
Reconsideration of this rejection is respectfully requested.

Appl. No. 10/790,844
Amdt dated January 20, 2006
In Reply to Office Action dated September 21, 2005

The Commissioner is hereby authorized to charge the fee in the amount of \$120 for a
Petition for One-Month Extension of Time to Deposit Account 07-2100.

Entry of the amendment and allowance of the claims are respectfully requested.

Respectfully submitted,



Ronald E. Greigg
Attorney for Applicants
Registration No. 31,517

Date: January 20, 2006

GREIGG & GREIGG, P.L.L.C.
1423 Powhatan Street, Suite One
Alexandria, VA 22314

Tel. (703) 838-5500
Fax. (703) 838-5554

CUSTOMER NO. 02119

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